

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57759 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- PAKRIDAYAL District- East Champaran

VIPIN KUMAR Son of Ajay Raut Resident of Village- Sishani, P.S.-
Pakarideyal, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The office report dated 21.07.2022 records that O.P. No.2 has refused to accept the notice, since the O.P. No.2 has refused to accept the notice as such, the service is deemed valid.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366(A), 120(B) and 34 of the Indian Penal Code.

The prosecution case is that the petitioner with the aid of his family members had kidnapped the informant's daughter aged about 17 years.

Learned counsel for the petitioner submits that the date of occurrence is 15.01.2021 whereas the present F.I.R. came to be instituted on 11.02.2021. It is further submitted that



the victim in her statement recorded under Section 164 Cr.P.C. has clearly stated that she did not want to marry as per wishes of her parents and on her own volition, she has solemnised marriage with the petitioner. Learned counsel further submits that no doubt the victim as per F.I.R. is a minor but then she is above 17 years of age and below 18 years hence had reached the age of discretion to take her decisions. It is the further submission of the learned counsel for the petitioner that since the victim has so clearly in her statement recorded under Section 164 Cr.P.C. has stated that she on her own volition had performed her marriage with the petitioner as such sending the petitioner, who is a person with clean antecedent, to jail would be a travesty of justice.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/successor court in connection with Pakarideyal P.S.
Case No. 23 of 2021 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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